

REMARKS

The Office Action mailed November 3, 2005 has been carefully reviewed and, in view of the above amendments and following remarks, reconsideration and allowance of the application are respectfully requested.

As an initial matter, the Applicant appreciates the allowance of claims 1-29 in the Office Action. In addition, the Applicant appreciates the opportunity to speak with the Examiner on November 29, 2005, in which no agreement as to the allowability of claims 30-35 was reached.

I. Office Action and Claim Summary

Claims 1-35 are currently pending in the application, with claims 1, 12, 21, 24, 30, and 33 being independent claims. No claims are cancelled or added. Claims 30 and 33 are amended, in accordance with the above amendments. As noted above, claims 1-29 are indicated as being allowable.

Each of claims 30-35 were rejected in the Office Action under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 3,924,328 to Mould. The Examiner also noted the presence of U.S. Patent Number 5,074,045 to Brookfield in the conversation on November 29, 2005.

II. Discussion of Claims

Independent claim 30 recites a culinary implement having a handle and a head portion. The handle has an elongate configuration. The head portion is secured beyond an end of the handle, and the head portion is rotatable with respect to the handle. The head portion includes a plurality of outwardly-extending projections. At least one of the projections has a height dimension and an axis that extends outward from the head and through the height dimension. The one of the projections has a configuration that is twisted about the axis.

Neither Mould nor Brookfield disclose the concept of a projection that has a twisted configuration about an axis that extends outward from the head and through a height dimension of the projection. Referring to Mould, the heads have various projections, but the projections do not have a twisted configuration. More particularly, the projections extend outward from the head in a non-twisted manner. Referring to Brookfield, particularly Figures 2a, 2b, and 3, the rollers are formed from two coextensive plates 18 that each have various projections 16 and 17, which are bent sideways. As noted above, independent claim 30 recites a projection that has a twisted configuration about an axis that extends outward from the head and through a height

dimension of the projection. In contrast, Brookfield discloses projections that are bent sideways, not about an axis.

Independent claim 33 recites a similar configuration wherein the projections have a pyramidal shape that defines a point and a height axis extending inward from the point. The projections are twisted in a direction that extends around the height axis. Given this recitation, independent claim 33 should be allowable over Mould and Brookfield for at least the same reasons as independent claim 30. Additionally, independent claim 33 should be allowable over Brookfield because Brookfield fails to disclose projections with a pyramidal shape.

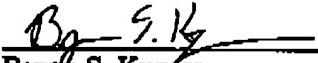
Based upon the above discussion, the Applicant respectfully submits that independent claims 30 and 33 are allowable over Mould and Brookfield. In addition, claims 31, 32, 34, and 35 should be allowable for at least the same reasons.

III. Conclusion

In view of the foregoing, the Applicant respectfully submits that all claims are in a condition for allowance. The Applicant respectfully requests, therefore, that the rejections be withdrawn and that this application now be allowed.

This Amendment is being timely filed by facsimile transmission on November 29, 2005. Should additional fees or an extension of time be deemed necessary for consideration of this Amendment, such fees or extension are hereby requested and the Commissioner is authorized to charge deposit account number 19-0733 for the payment of the requisite fee. If anything further is desirable to place the application in even better form for allowance, the Examiner is respectfully requested to telephone the undersigned representative at (503) 425-6800.

Respectfully submitted,

By: 
Byron S. Kuzara
Registration No. 51,255

Banner & Witcoff, Ltd.
1001 G Street, N.W.
Washington, D.C. 20001-4597
Telephone: (202) 824-3000

Dated: November 29, 2005